

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I claims 1-42 in the reply filed on 7/24/09 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-7, 9-14, 17-21, 23, 25-27, 29-31, 36-37, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi (5123629).

Takeuchi discloses an apparatus as recited in the claims. Takeuchi discloses an apparatus having an elongated first extendable member (11 and 12 with a pitch different from the others) with a ball nut (which is the inside threaded area (see fig.3) , a spline (4 which slides ), a second extendable member (10 with a pitch different from the others ), a drive (7 being a gear), a foot (the bottom of the jack see fig.1), and detent (is the bottom of 13).

4. Claims 1, 3, 5-7, 9-14, 17-21, 23, 25-27, 29-31, 36-37, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothbauer (5664762).

Rothbauer discloses an apparatus as recited in the claims. Rothbauer discloses an apparatus having an elongated first extendable member (80 with a pitch different from the others) with a ball nut (which is the inside threaded area (see

fig.7 the inside of 81) , a spline (73 which slides ) , a second extendable member (77 with a pitch different from the others ) , a drive (67), a foot (22), detent (is the bottom of 81),

5. Claims 1, 3, 5-14, 17-21, 23, 25-27, 29-31, 34 -37, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Shim (6685169).

Shim discloses an apparatus as recited in the claims. Shim discloses an apparatus having an elongated first extendable member (107 with a pitch different from the others) with a ball nut (which is the inside threaded area (see fig.3) , a spline (103 which slides ) , a second extendable member (104 with a pitch different from the others ) , a drive (7 being a gear), a foot (the bottom of the jack see fig.3 element 7), detent (is the bottom of under 107 see fig.7a), and a motor (2a).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-17, 32-33, 38, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi (5123629) in view of Raynor (7159849).

a. Takeuchi (5123629) discloses the claimed invention except for a sensor for detecting when the member extends , forces, and retraction. All of the claimed

elements were known in the prior art such as a sensor (20) with a controller(30) which detect extension/retraction and contract/force as shown by Raynor and one skilled in the art could have combined the elements which allows for increased control of the jack as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention. The modification would be obvious one because the sensor can be put with any jack.

8. Claims 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi (5123629) in view of Whittingham (4969631).

b. Takeuchi (5123629) discloses the claimed invention except for a boot connected to the housing and foot. All of the claimed elements were known in the prior art such as a boot connected to the foot and housing which prevent dirt from collecting on the jack as shown by Whittingham and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention. The modification would be obvious one because the boot can be put with any jack as a protection device.

9.

***Allowable Subject Matter***

10. Claims 2, 4, 22, 28, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The 892 form discloses prior art being made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/LEE D WILSON/  
Primary Examiner, Art Unit 3727

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